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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,167	12/18/2001	Yoshikazu Tanaka	0229-0683P	9273
2292	7590	01/07/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MAKI, STEVEN D	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application N .

10/020,167

Applicant(s)

TANAKA, YOSHIKAZU

Examiner

Steven D. Maki

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 22 December 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Advisory Action Attachment

new issues

The new issues include (1) In claim 1, adding --so that the cord is completely embedded in the unvulcanized rubber, and on each side of the cord embedded portion, a reduced thickness portion having a substantially constant thickness is formed, and the reduced thickness portion is wider than the cord embedded portion" and (2) in claims 2 and 6, changing "other portion than the cord embedded portion" to --reduced thickness-- (these changes corresponding to the new issue in claim 1).

The remaining changes do not constitute new issues.

remarks

Applicant comments "... it does not appear that the Examiner agrees that the phrase, 'wherein the thickness of the tape is larger in the cord embedded portion than the other portion,' is depicted by Figure 2B as was intended" (page 8 of after final amendment filed 12-22-04). Applicant's comment is off point. The issue is not what Figure 2B depicts but rather the scope of the quoted phrase of claim 1. With respect to the scope, the phrase, "wherein the thickness of the tape is larger in the cord embedded portion than the other portion" is simply not limited to all of the structure and characteristics of the illustration of Figure 2B.

Applicant argues that Suzuki et al fails to disclose or suggest a tape having a larger thickness in the cord embedded portion (page 9 of response filed 12-22-04). The examiner disagrees since Suzuki et al teaches that the cord reinforced tape may have a trapezoidal cross sectional shape instead of a flat rectangular shape. See col. 4 lines

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49-51 of Suzuki et al. The tapered ends of such a tape have a smaller thickness than the cord embedded portion defined by the parallel flat upper and lower sides of the trapezoid.

Applicant argues that Chrobak fails to disclose or suggest a tape having a larger thickness in the cord embedded portion. The examiner disagrees since Chrobak shows a cord reinforced tape having three partially embedded cords and tapered end portions. See figure 2 of Chrobak. The tapered ends of such a tape have a smaller thickness than the cord embedded portion therebetween.

Applicant argues that Europe '218 fails to disclose the embodiment of Figure 2B of the present invention wherein the tape has a larger thickness in the cord embedded portion thereof. Applicant's argument is not commensurate in scope with the claims since none of the claims (including claim 1) are limited to all of the structure and characteristics of the illustration of Figure 2B. Moreover, Europe '218 motivates one of ordinary skill in the art to modify the cord reinforced tape of either Suzuki et al or Chrobak such that it has a thick central portion 9A and thin edge portions 9B to decrease trapped air and improve durability. See figure 3 of Europe '218.

Applicant's remaining arguments are not persuasive for the reasons given in the last office action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
January 5, 2005


STEVEN D. MAKI
PRIMARY EXAMINER
GROUP 1300
AU 1733
1-5-05